



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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DEC 19 2011

Office Of The Executive

December 16, 2011

Dennis McLerran
Regional Administrator
U.S Environmental Protection Agency, Region 10
1200 Sixth Avenue
Mail Code: RA-140
Seattle, WA 98101

RE: Idaho Human Health Criteria/Fish Consumption Rate

Dear Mr. McLerran:

At a Columbia River Inter-Tribal Fish Commission meeting today, I was instructed to send this letter. CRITFC's member tribes are the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes and Bands of the Yakama Nation and the Confederated Tribes of the Warm Springs. We appreciate the efforts of the Environmental Protection Agency (EPA) to reach out to our members' governments and your work to protect tribal people, our waters and our fish resources.

In light of EPA's obligation to respond to Idaho's request to update its fish consumption rate to 17.5 grams per day by early 2012, and pursuant to Executive Order 13175 and the Presidential Memorandum on Tribal Consultation issued November 5, 2009, CRITFC formally requests that the EPA consult with CRITFC's member tribes individually on Idaho's rulemaking. CRITFC is available to facilitate this process as needed.

Nearly all of Idaho's contiguous navigable waterways fall within the Columbia River Basin (see map, attached). The Basin has sustained tribal people since time immemorial and all its resources, including water, and are connected in an intricate web. All of the tribes within the boundaries of the Basin are affected by pollution that occurs upstream, as are the fish that swim its length. Therefore, Human Health Criteria based on the higher fish consumption rate as established by the CRITFC Fish Consumption Survey should apply to all waterways that are part of the Columbia River Basin. Accordingly, all Idaho waterways within the Basin should be subject to that criteria, and not the inadequate national default rate as Idaho has proposed.

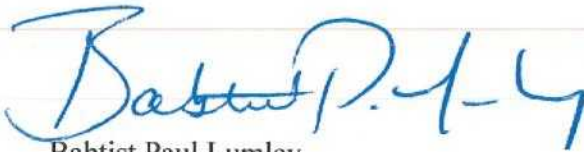
CRITFC's fish consumption survey (1994) used scientifically defensible methods to characterize fish consumption patterns of tribal people residing in the Columbia River Basin. The survey has since been used in a regulatory context in establishing the fish

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consumption rate in Oregon and is currently a cornerstone report in the State of Washington's review of regional fish consumption rates. Even so, EPA must recognize that the CRITFC survey was necessarily limited by certain parameters of the investigation to CRITFC tribal members, but its results should be interpreted broadly and applied to other tribes' usual and accustomed fishing sites throughout the Columbia River Basin. Accordingly, CRITFC encourages EPA to consult with other tribes in the region on this issue before making a final decision on the consumption rate.

Thank you for consideration of this important issue. If you have any further questions, you may contact Diane Barton, PhD or me at 503-238-0667.

Sincerely,

A handwritten signature in blue ink that reads "Babbist Paul Lumley". The signature is stylized, with the first name "Babbist" written in a cursive script and the last name "Paul Lumley" written in a more straightforward, slightly cursive style.

Babbist Paul Lumley
Executive Director

Attachment

Cc: James Zokan, U.S. EPA, Idaho Operations Office

